

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 782

Introduced by Senator Escutia

February 22, 2005

An act to amend Section 315 of, *and to add Section 317 to*, the Education Code, relating to English language education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 782, as amended, Escutia. English language tutoring.

Proposition 227, an initiative statute, approved by the voters at the June 2, 1998, statewide primary election, requires the state to encourage family members and others to provide personal English language tutoring to children coming from backgrounds of limited English proficiency. That existing law appropriates a sum of \$50,000,000 per year for these purposes from the General Fund for the fiscal year in which the initiative was enacted and each of the 9 fiscal years following thereafter. The existing statutory initiative allows for amendments to its provisions only by a statute approved by the electorate or by a statute to further the act's purposes passed by a vote of $\frac{2}{3}$ of each house of the Legislature and signed by the Governor.

This bill would ~~continuously~~ appropriate a sum of \$50,000,000 per year from the General Fund *for five additional fiscal years beyond those provided for in the initiative.*

This bill would require the State Department of Education to evaluate specified performance accountability measures to ascertain the effectiveness of the program services established pursuant to that initiative. This bill would require each local education agency that receives funding pursuant to the initiative, by September 1 of each year, to prepare and submit a report to the State Department of

Education on its achievements in accordance with the specified performance accountability measures. This bill would require the department to prepare a final report on its findings with regard to the performance accountability measures and submit the report to the Legislature and the Governor by June 30, 2011. This bill would prohibit the department from using more than ½ of 1% of the funds appropriated each year for purposes of the initiative to perform its duties.

This bill would state that the Legislature finds and declares that this act furthers the ~~proposes~~ purposes of Proposition 227.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 315 of the Education Code is amended
2 to read:

3 315. In furtherance of its constitutional and legal requirement
4 to offer special language assistance to children coming from
5 backgrounds of limited English proficiency, the state shall
6 encourage family members and others to provide personal
7 English language tutoring to ~~such~~ children, and support these
8 efforts by raising the general level of English language
9 knowledge in the community. ~~—A— Commencing with the fiscal~~
10 ~~year in which this initiative is enacted and for each of the~~
11 ~~fourteen fiscal years following thereafter, the sum of fifty million~~
12 ~~dollars (\$50,000,000) per year is hereby appropriated from the~~
13 ~~General Fund for the purpose of providing additional funding for~~
14 ~~free or subsidized programs of adult English language instruction~~
15 ~~to parents or other members of the community who pledge to~~
16 ~~provide personal English language tutoring to California school~~
17 ~~children with limited English proficiency.~~

18 SEC. 2. Section 317 is added to the Education Code, to read:
19 317. (a) *The department shall evaluate the following*
20 *performance accountability measures to ascertain the*
21 *effectiveness of the program services established pursuant to*
22 *Sections 315 and 316:*

23 (1) *Improvement in adult literacy skill levels in reading,*
24 *writing, and speaking the English language, numeracy, problem*
25 *solving, and other literacy skills.*

1 (2) *Articulation of adult pupils into basic education, high*
2 *school, and career and technical education programs.*

3 (3) *Improvements in attendance and academic performance of*
4 *pupils with limited English language proficiency who have*
5 *received tutoring from adults who have been identified as*
6 *participants in programs established pursuant to Section 315.*

7 (b) *Each local educational agency that receives funding*
8 *pursuant to Section 316 shall do all of the following:*

9 (1) *By September 1 of each year, prepare and submit to the*
10 *department a report on the achievements of the agency in*
11 *accordance with the performance accountability measures*
12 *specified in paragraphs (1) to (3), inclusive, of subdivision (a).*

13 (2) *Begin collecting data in accordance with the performance*
14 *accountability measures specified in paragraphs (1) to (3),*
15 *inclusive, of subdivision (a) at the beginning of the 2007-2008*
16 *school year.*

17 (c) *The department may develop and disseminate a standard*
18 *form to be used by local educational agencies to collect data in*
19 *accordance with the performance accountability measures*
20 *specified in paragraphs (1) to (3), inclusive, of subdivision (a).*

21 (d) *By June 30, 2011, the department shall prepare a final*
22 *report on its findings pursuant to subdivision (a) and submit it to*
23 *the Legislature and the Governor.*

24 (e) *The department shall use no more than one-half of one*
25 *percent of the total amount of funds appropriated each year*
26 *pursuant to Section 315 to perform the duties imposed by this*
27 *section.*

28 ~~SEC. 2.~~

29 SEC. 3. The Legislature finds and declares that the
30 amendments made to Section 315 of the Education Code by
31 Section 1 of this act further the purpose of Proposition 227, as
32 enacted at the June 2, 1998, statewide primary election.